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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,707	08/25/2003	Motoharu Kurosawa	42530-5200	2726
21611	7590	11/01/2006	EXAMINER	
SNELL & WILMER LLP 600 ANTON BOULEVARD SUITE 1400 COSTA MESA, CA 92626				SHAPIRO, JEFFERY A
ART UNIT		PAPER NUMBER		
		3653		

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/647,707	KUROSAWA, MOTOHARU
	Examiner Jeffrey A. Shapiro	Art Unit 3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 25 July 2006.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quay/e*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-9 and 11-22 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-9 and 11-22 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1-9, 11-14 and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirano (US 5,924,919) in view of Raterman et al (US Re. 34,934).

Regarding **Claims 1, 7 and 22**, Hirano discloses a storage bowl (32) having an upper section and a lower section, as shown in figure 1. As illustrated in figure 3, Hirano further discloses a rotating disk (24) with apertures (C2). Figure 2 illustrates base plate (32) and motor (42).

Regarding **Claim 5**, note that Hirano discloses left and right side wall members that are vertical.

Regarding **Claims 6 and 21**, Hirano discloses a center agitating portion as shown in figure 5. Note the center cross-section of disk (24) is shaped somewhat conically and can be construed as agitating the tokens above it to move towards the holes (46, 47).

Further regarding **Claims 7 and 14**, Hirano discloses a through hole having hollow that can be construed as an offset cone-shaped hollow.

Regarding **Claim 8**, Hirano discloses a gear reduction unit in the form of deceleration unit (43).

Regarding **Claims 12 and 13**, Hirano discloses a rotating disk at an angle to the horizontal while the upper-most opening of the storing member is horizontal. See Hirano, figure 1. Note also that it appears that the angle the disk resides at is approximately 30 degrees.

Regarding **Claims 16-18**, note that it would have been obvious to one of ordinary skill in the art to have made any of the parts of Hirano's device from synthetic resin. Note in particular the disclosure in col. 2, lines 4-7 that describes using resin material for a rotary disk.

Hirano does not expressly disclose, but Raterman discloses as described in **Claims 1, 7, 9 and 22**, a storing bowl (102), said storing bowl having an upper section and a lower section, said lower section having a convex section, as illustrated in figure 4. Raterman further discloses a rotating disk (106), a motor (402), base plate (103). See figure 9 of Raterman.

Raterman further discloses, with regards to **Claims 2, 20 and 22**, a convex section with a circular lower opening located over the outer edge of the disk, a conically tapered section extending upwards from the circular lower opening, and an enlarging section horn-like in shape which extends upwards from the conically tapered section, the enlarging section being located above the conically tapered section, and an apex formed at the intersection of the conically tapered and enlarging sections. See figure 4 of Raterman.

Regarding **Claims 3, 4 or 11**, note that regardless of the dimensioned being measured in terms of the diameter of a token, since the diameter of a token will depend

on the token used, Raterman's apex and cone-shaped upper and lower portions can be construed as meeting the limitations of these claims. For example, Raterman's apex can be construed to be located above the rotor (106) about the diameter of a token, since the diameter of a token would depend upon the token used.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have used Raterman's enlarging and conically tapered sections with apex formed at the junction thereof in Hirano's coin dispenser just above Hirano's disk.

The suggestion/motivation for doing so would have been to keep coins centered about the rotatable disk, as one ordinarily skilled in the art would have found apparent from Raterman's figure 4.

Further regarding **Claims 1, 7, 19 and 22**, Applicant's newly added claim limitations relating the diameter of each token to the diameter of the convex section opening diameter do not carry patentable weight according to MPEP 2115, since apparatus claims are "not limited by the material or article worked upon."

As such, Hirano and Raterman are still considered to read upon Applicant's claims as described above.

3. Claim 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirano (US 5,924,919) in view of Raterman et al (US Re. 34,934) and further in view of Kurosawa et al (US 6,569,006 B1). Hirano discloses the system described above. Hirano does not expressly disclose the existence of the bridging phenomena discussed

in Applicant's **Claims 15 and 19**. Kurosawa abstract discloses at lines 3 and 4, that the hopper prevents bridging. It is considered obvious that Hirano's hopper would exhibit such bridging.

***Conclusion***

**4 THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (571)272-6943. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571)272-6916. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JAS

October 27, 2006



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